IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

W.P. NO. 811/2001

PETITIONER : Madan Mohan Dwivedi S/O. Shri G S Dwivedi
Clerk (Under Suspension) Dena Bank,
Ambagarh Chowk, Dist : Rajnandgaon (CG).

VERSUS

RESPONDENTS : 1. The Assistant General Manager
(Disciplinary Authority)
Dena Bank, Eastern M.P. Operations,
Regional Office, Raipur.

2. Enquiry Officer Shri B. Shadangi,
Regional Office, Dena Bank, Raipur.

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(101)

आदेश पत्रक

Writ Petition No. 811/2001

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	8/10/2001	

Shri P. Diwakar, learned counsel for the petitioner.

Shri P.S. Koshy, learned counsel for the respondent.

Heard.

O R D E R

The writ petitioner had approached this Court by filing writ petition no.11/2001 challenging the proceedings initiated against him. The said petition was disposed of on 12/2/2001. The operative portion of the order runs as under:

> "The respondents shall conclude the enquiry immediately against the writ petitioner as early as possible and at any rate not later than 90 days from the date of receipt of this order".

Before the conclusion of the enquiry the writ petitioner approached this court again by filing another writ petition which is the subject matter of discussion now on the ground that in view of another enquiry being made by the C.B.I. the petitioner was unable to cope with two enquiries similtaneously. Notice was issued on 22/5/2001. Departmental proceedings were not stayed till 3/9/2001.

Shri P. Diwakar, learned counsel for the petitioner states that when proceedings were going on, the writ petitioner

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आदेश पत्रक (पुर्वानुबद्ध)

आदेश का दिनांक आदेश	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

आदेश पत्रक (पुर्वानुबद्ध)

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was in jail and as such he was unable to submit written reply to the Competent Authority. As regards this submission, Shri P.S. Koshy, learned counsel for respondent states that in fact enquiry was completed on 16/6/2001 whereas the writ petitioner was arrested only on 21/6/2001; that is to say that arrest of the writ petitioner was after completion of the enquiry. However, final orders have not been passed till date. In view of the interim order passed on 3/9/2001, final orders are yet to be passed by the Competent Authority. It is most unfortunate that after enquiry report was submiitted, the Competent Authority should have sat over the entire file for such a long time. The petitioner has since been released from jail.

After hearing Shri P. Diwakar, learned counsel for the petitioner as well as Shri P.S. Koshy, learned counsel for respondent at some length and on perusal of the order passed by this Court on 12/2/2001 and also other orders subsequently passed in the present case, I am of the view that no relief as such can be granted in this petition inasmuch as the direction issued by this Court in my view has been carried out by now. Shri P. Diwakar, learned counsel for the petitioner makes a submission that though enquiry report as such has been submitted, since final orders have not been passed,

In view of this Court's interim order at least a few days may be allowed to enable the writ petitioner

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आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

to submit a written statement ~~in the form of written~~ argument which may be taken into consideration by the Competent Authority before final ofders are passed. This submission appears to be a little out of the way, however, taking into consideration the fact that the Competent Authority for reason known to it only had not passed final orders even when this Court had passed the interim order. till end of August 2001.
In my view this limited prayer may be allowed.

In the result, this petition is disposed of with the direction that the petitioner shall,be allowed to submit a written statement/argument on merit within seven days from today. On receipt of the said written statement, the Competent Authority shall examine the entire matter on merit and pass necessary final orders without further delay and not later than 31/10/2001.

Certified copy as per rules.

Sd/-
Chief Justice

rsnr*

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